

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Minutes/ Summary Agenda August 23, 2016 7:00 P.M.

Call to Order- **Council President Gonzalez called the meeting to order at 7:16 p.m.**

Roll Call- **City Clerk, Marbelys Fatjo, called the roll with all Council Members present:**

- **Councilman Jose Caragol**
- **Councilwoman Vivian Casáls-Muñoz**
- **Council Vice President Cue-Fuente**
- **Council President Luis Gonzalez**
- **Councilwoman Lourdes Lozano**
- **Councilman Paul Hernandez**

• **Council Members Absent:**

- **Councilwoman Garcia- Martinez**

• **Also present were:**

- **Lorena Bravo, City Attorney**
- **Mayor, Carlos Hernandez**

Invocation- **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance- **Councilwoman Casáls-Muñoz led the Pledge of Allegiance**

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the City Clerk in English and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations –

- Mayor Hernandez presented the following graduate from Hialeah Educational Academy with an Award of Merit for having graduated with a high school diploma and an Associate's Degree:

1. Rick Valdes
2. Eva Charron – **Not Present**

- Mayor Hernandez and the City Council recognized the City of Hialeah's Cultural Arts Dance Troupes, as well as their coaches, for competing and finishing in the final five finalists at this year's World Dance Championship held in New Jersey. The Cultural Art Program's first dance routine, a hip-hop choreography, won them 2nd place overall in their category, and the troupe's other dance routine, a jazz ensemble, won them 4th place overall in their division. This marks the first time in the cultural arts program's history that the elite dance troupes qualify as top five finalists and place within the top three winners. (PARKS AND RECREATION DEPT.)

1. **4th Place** – Circus choreography by **Annabel Tato**

- Participants:
 1. Alyssa Camillo
 2. Adleen Padilla
 3. Maya Camilo
 4. Angeline Vargas
 5. Kassandra Correa
 6. Samantha Martinez
 7. Miranda Camilo
 8. Alexa Rodriguez
 9. Amily Hurtado
 10. Emily Parras
 11. Karla Gesto
 12. Susana Martinez
 13. Monica Tavera
 14. Yerenny Espinoza

2. **2nd Place** - Where They From choreography by **Yuniatt De La Paz**

- Participants:
 1. Susana Martinez
 2. Karla Gesto

3. Alyssa Camillo
4. Kassandra Correa
5. *Samantha Hurtado*
6. Alexa Rodriguez
7. *Sabrina Hernandez*
8. Miranda Camilo
9. Monica Tavera
10. Amily Hurtado
11. Adleen Padilla
12. *Katherine Caceres*
13. Yerenny Espinoza
14. Emily Parras
15. Samantha Martinez
16. *Alejandra Acosta*
17. Angeline Vargas
18. *Catherine Bencomo*
19. *Ashley Reed*
20. *Melanie Otero*

3. **Luis Enrique Fernandez** – Performing Arts Coordinator for Department of Parks and Recreation, City of Hialeah

- Recognition of the City of Hialeah at the 22nd Annual Convention for the Florida Festivals and Events Association SUNsational Awards, distinguishing the work for Hialeah's events among the state's best in 2016. (EDUCATION AND COMMUNITY SERVICES DEPT.)

The City of Hialeah won three major awards:

1. The *Art Expressions* program/event guide was awarded 3rd Place
2. The *Love Letters to Hialeah* television piece was awarded 3rd Place
3. *CLIMA* green program was awarded 1st Place.

Report: Mandy Llanes, Co-founder of Mujer Imagen Foundation and Board Director of Florida Events Foundation, commented about the Fashion Show event this past Saturday at the Milander Center and thanked the Mayor and City Council for their support towards the organization.

1. Announcement of Amendments/Corrections to the Agenda – **The following was announced by the City Clerk:**

- **Item L has been added to today's agenda.**
- **A memorandum addressed to the Mayor and City Council Members from our City Attorney has been added as backup documentation to Item K, and has been placed on the dais for your review.**
- **The backup to item 8a has been updated and placed on the dais for your review, and the reporting year has been corrected to reflect 2015.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Lorena Bravo discussed Item K.

REPORT: Motion to Approve the Consent Agenda, made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Lozano. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on August 9, 2016. (OFFICE OF THE CITY CLERK)
APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.
- B. Request permission to utilize City of Miami Bid # 291272(17) – *OEM Parts, Engine and Transmission Repairs to City of Miami Vehicles and Equipment*, a competitively bid governmental contract, and increase purchase order # 2016-180, issued to Metro Ford, Inc., to purchase Ford parts and accessories, by an additional amount of \$10,000, in a total cumulative amount not to exceed \$25,000. (FLEET MAINTENANCE DEPT.)
APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.
- C. Request permission to increase purchase order # 2016-728, since it is advantageous to the City, issued to American Battery Company, sole source vendor, to purchase batteries for City vehicles, by an additional amount of \$12,000, for a new total cumulative amount not to exceed \$72,000. (FLEET MAINTENANCE DEPT.)
APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.
- D. Request permission to renew the contract between the City of Hialeah and Rainbow Window Tinting, Inc. doing business as Rainbow Emergency Equipment, to furnish and install emergency vehicle equipment for Fire and Police, for a period of one (1) year commencing on March 28, 2016 and ending on March 27, 2017 (second renewal). On March 27, 2012 the City of Hialeah awarded Hialeah Bid # 2011/12-3220-36-038 – *Furnish and Install Emergency Vehicle Equipment – Fire and Police*, to this vendor, lowest responsive bidder. On August 11, 2015 the City Council approved the first renewal of said contract for one year. (FLEET MAINTENANCE DEPT.)
APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Garden Techs Landscaping Contractor & Property Maintenance Inc., vendor providing the lowest estimate, for landscaping services for fiscal year 2015-2016, in a total cumulative amount not to exceed \$12,745. (STREETS DEPT.)
APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.

- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to P & J Striping Inc., vendor providing the lowest estimate, for striping of West 5th Avenue from West 29th-33rd Street and West 29th Place from West 4th to 5th Avenue, in a total cumulative amount not to exceed \$4,561.46. (STREETS DEPT.)

APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.

- G. Proposed resolution approving the renewal of the Florida's Twenty-First (21st) Century – Soaring Beyond Expectations Grant to fund afterschool and summer programs operating out of three 21st Century Community Learning Centers, for students from grades 6 through 8, in the amount of \$435,740.00 for the second year commencing on August 1, 2016 and ending on July 31, 2017; ratifying the grant agreement; and further authorizing the Mayor or his designee to execute any and all agreements, documents and subcontracts in furtherance thereof. (EDUCATION AND COMMUNITY SERVICES DEPT.)

APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-94.

- H. Proposed resolution approving the renewal of the Florida's Twenty-First (21st) Century – Soaring Beyond Expectations Grant to fund summer programs operating out of two 21st Century Community Learning Centers, for students from grades 9 through 12, in the amount of \$447,302.00 for the second year commencing on August 1, 2016 and ending on July 31, 2017; ratifying the grant agreement; and further authorizing the Mayor or his designee to execute any and all agreements, documents and subcontracts in furtherance thereof. (EDUCATION AND COMMUNITY SERVICES DEPT.)

APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-95

- I. Proposed resolution approving the amended State Housing Initiative Partnership Program Local Housing Assistance Plan (LHAP) for fiscal years 2013-2014, 2014-2015, 2015-2016 to modify existing strategies and include two new strategies to the current Local Housing Assistance Plan (LHAP) to better serve the residents of the City of Hialeah; authorizing the submission of the amended Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date. (DEPT. OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-96.

- J. Proposed resolution approving the expenditure totaling an amount not to exceed \$23,193.62 from the Law Enforcement Trust Fund – *State*, to purchase and install a CCTV Security System at the District 5 Police Substation and in its surrounding vicinity from Communication & Network Solution, Inc., and waiving competitive bidding as it is advantageous to the City, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION 2016-97

- K. Report of the Evaluation Committee concerning the City's Request for Proposals for Disaster Debris Monitoring Services (Request for Proposal No. 2015-16-8500-36-003) to award a contract to both competing companies, Tetra Tech, Inc. and Thompson Consulting Services,

LLC, and that the work be assigned and the contractors activated according to their rankings.
(DEPT. OF EMERGENCY MANAGEMENT)

APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.

- L. Request permission to issue a purchase order to the Law Firm of Bryant Miller Olive, for professional services in assisting the City in negotiating successor agreements with each of the City's employee unions under the Public Employment Relations Act, for the period of May 1, 2016 through September 30, 2016, with Attorney David Miller being paid on an hourly basis at the rate of \$200.00 per hour, in an estimated total cumulative amount not to exceed \$50,000. Further request permission to issue a purchase order to Public Financial Advisory Group, Inc., for professional services in assisting the City in negotiating successor agreements under the Public Employment Relations Act, for the duration of negotiations with each of the City's employee unions, in a total cumulative amount not to exceed \$50,000. (LAW DEPT.)

APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.

3. Second reading and public hearing of proposed ordinance vacating a portion of the right of way lying northwesterly of and adjacent to Lots 1 and 2, of Block 1 in Gratigny Lawns, according to the Plat thereof as recorded in Plat Book 22, at Page 74, of the Public Records of Miami-Dade County, Florida, containing an area of approximately 545 square feet, more or less, **property located at 10 East 65 Street, Hialeah, Florida**, and more particularly described in the surveyor's legal description and location sketch attached hereto and made a part hereof as Exhibit "A". (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
ORDINANCE NO. 2016-45

Item was approved on first reading by the City Council on August 9, 2016. Second reading and public hearing was scheduled for August 23, 2016.

REPORT: Motion to Approve Item 3 made by Councilman Casáls-Muñoz, and seconded by Councilwoman Lozano. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

4. Proposed resolution approving the purchase of a 2016 thirty-two foot El Dorado EZ Rider II Passenger Bus, in the total amount of \$340,400.00, from El Dorado National-California, Inc.; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute a purchase contract and all other necessary documents in furtherance hereof in a form acceptable to the City Attorney; and providing for an effective date. (TRANSIT) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-98**

REPORT: Jorge De La Nuez, Transit Manager, 900 East 56 Street, Hialeah, FL, addressed the City Council on this item.

REPORT: Motion to Approve Item 4 made by Councilman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

5. First reading of proposed ordinance approving a five-year Lease-Purchase Agreement between the City of Hialeah, as lessee, and U.S. Bancorp Government Leasing and Finance, Inc., a Minnesota Corporation, as lessor, to finance the purchase of a 2016 thirty-two foot El Dorado EZ Rider II Passenger Bus, in the total amount of \$360, 364.29, including interest

payments totaling \$19,964.29, at an annual interest rate of 2.640%, payable on a yearly basis beginning on December 1, 2016 and every first day of December thereafter for five years, in the amount of \$72,072.86; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Lease-Purchase Agreement, in substantial conformity with the Lease-Purchase Agreement attached hereto and made a part hereof as Exhibit "1" and all other necessary documents in furtherance hereof; and providing for an effective date. (TRANSIT) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**

REPORT: Motion to Approve Item 5 made by Councilman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent

6. Board Appointments – **None**

7. Unfinished Business – **None**

8. New Business –

- a. Report to the City Council of financial disclosure submittals for the year ending in 2015, pursuant to Section 26-36(d) of the Hialeah City Code. (OFFICE OF THE CITY CLERK) **SO NOTED**

9. Comments and Questions-

- **Mayor Hernandez commended Sergio Velazquez, Chief of Police, for his leadership and the City's police officers for sacrificing day in and out to make Hialeah one of the safest Cities to live in.**
- **Councilman Hernandez commended the City of Hialeah Police department for their accomplishments.**
- **Council President Gonzalez commended the Hialeah Police Department.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

REPORT: All were duly sworn in.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2010-43 (June 22, 2010), that granted a Conditional Use Permit (CUP) to allow a K-10th grade charter school with a maximum total enrollment of 700 students pursuant to Hialeah Code §98-181(2)(i), and granted a variance permit to allow 126 parking spaces, where at least 137

were required contra to Hialeah Code §98-2189(9) on property located at 590-600 West 20 Street, Hialeah, Florida; repealing and rescinding Hialeah, Fla., Ordinance 2012-47 (August 28, 2012), that granted a Conditional Use Permit (CUP) to allow a middle through senior high (6 – 12 grade) charter school with a maximum total enrollment of 1,300 students pursuant to Hialeah Code §98-181(2)(i) to property located at 651 West 20 Street, Hialeah, Florida; repealing and rescinding Hialeah, Fla., Ordinance 2012-77 (November 13, 2012) that granted a Conditional Use Permit (CUP) to allow a middle through senior high (6 – 12 grade) charter school with a maximum of total enrollment of 440 students pursuant to Hialeah Code §98-181(2)(i) to property located at 620 West 20 Street, Hialeah, Florida; releasing Declaration of Restrictive Covenants recorded on Book 27361 at Page 3873; releasing Declaration of Restrictions recorded on Book 28654 at Page 3287; releasing Declaration of Restrictions recorded on Book 28393 at Page 3672; and further granting a Conditional Use Permit (CUP) to allow a pre-k-12 grade charter school with a maximum total enrollment of 2,940 students pursuant to Hialeah Code §98-181(2)(i) on properties zoned M-1 (Industrial District). **Properties located at 590-600 West 20 Street, 651 West 20 Street, 620 West 20 Street, and 701 West 20 Street, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hugo P. Arza, Esq. on behalf of Hialeah School Development 2, LLC*) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-46.**

Item was approved on first reading by the City Council on August 9, 2016. Second reading and public hearing was scheduled for August 23, 2016.

Item was approved by the Planning and Zoning Board on June 22, 2016.

Planner's Recommendation: Approve with conditions

Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131

Owner of property: Ignacio & Fernando Zulueta, 6340 Sunset Drive, Miami, Florida.

REPORT: Motion to Approve Item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice-President Cue-Fuente. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

PZ 2. First reading of proposed ordinance granting a variance permit to allow replatting of the property into three substandard lots according to site plan dated June 3, 2016 prepared by Alberto J. Corrales, P.E., to allow a duplex on each substandard-sized lot with a frontage of 45 feet, where at least 75 feet are required, to allow a total area of 4,500 square feet for lots 1 and 2 and 4,365 feet for lot 3, where a total area of at least 7,500 square feet is required for each lot, to allow a ground floor area of 950 square feet, where a minimum of 1,000 square feet is required, to allow a front setback of 15 feet for units 1 and 2, where 25 feet are required, to allow a north side setback of 4 feet for units 1 and 2, where 7.5 feet are required, to allow a front setback of 16 feet for unit 3, where 25 feet are required, to allow a north side setback of 4 feet for unit 3, where 7.5 feet are required, and to allow a corner side setback of 11.6 feet for unit 3, where 15 feet are required, contra to Hialeah Code §§ 98-544, 98-545, 98-546, and 98-548. **Property located at 491 East 11 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an

effective date. (Applicant: Bernardino N. Rodriguez and Adis Rodriguez) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for September 13, 2016.**

Item was approved by the Planning and Zoning Board on August 10, 2016.

Planner's Recommendation: Approval

Owner of Property: Bernadino & Adis Rodriguez, 404 Totolochee Drive, Hialeah, Florida 33010.

REPORT: Motion to Approve Item PZ 2 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

REPORT: Bernadino Rodriguez, 404 Totolochee Drive Hialeah, FL, addressed the Council on this item, after the item had already passed.

- PZ 3.** First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2014-34 (June 10, 2014) that rezoned the property from GU (Interim District) to MH (Industrial District) and granted a variance permit to allow a temporary waiver of plat, provided that the property was replatted within 18 months from the grant of the waiver; rezoning from GU (Interim District) to MH (Industrial District); granting a variance permit to waive block size requirements, to allow off-street parking areas to be located within 10 feet from the property line, where off-street parking areas shall not be located within 20 feet from the property line, to allow 425 parking spaces, where 702 parking spaces are required, and to allow a waiver of plat, provided that the property will be replatted within 18 months from the approval of this ordinance, contra to Hialeah Code §§ 98-1601(b), 98-1601(f)(5) and 98-2189(6). **Property located on a vacant parcel of land lying north of Northwest 138 Street between Northwest 105 Avenue and Northwest 107 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for September 13, 2016.**

Item was approved by the Planning and Zoning Board as recommended on August 10, 2016.

Planner's Recommendation: Approve subject to supplementing the application with requested information.

Registered Lobbyist: Alejandro J. Arias, Esq., Hugo P. Arza, Esq., Juan J. Mayol, Jr., Esq. And Gloria M. Velazquez, Esq., Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, FL 33131.

Owner of Property: Flightway Fourteen, LLC, 890 South Dixie Highway, Coral Gables, FL.

REPORT: Gloria M. Velazquez, Holland & Knight LLP, 701 Brickell Ave Suite 3300, Miami, FL., addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 3 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

REPORT: Meeting was adjourned by Council President Gonzalez at 8:05 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, September 13, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 8, 2016 at 6:30 p.m.

BUDGET HEARINGS: Monday, September 12, 2016 and Monday, September 26, 2016.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).